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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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09/30/2003

Joseph D. Krawczyk

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7590

05/13/2005

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EXAMINER

GUTMAN, HILARY L

ART UNIT

PAPER NUMBER

3612

DATE MAILED: 05/13/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/675,814	Applicant(s) KRAWCZYK ET AL.	
	Examiner Hilary Gutman	Art Unit 3612	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 06 April 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-16 and 18-21 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1-12 is/are allowed.
- 6) ☒ Claim(s) 13-16, 18-21 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date: _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date: _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

3. Claims 13, 16, and 21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Armentrout in view of Poth.

Armentrout discloses a loaded transportation vehicle having an interior comprising: a floor supported by wheels; opposing side walls extending upwardly from the floor, said side walls equipped with tracks (channel bar 20) spaced above the floor; a rearwardly directed access; and a plurality of carts (mobile bins 1) having a product support member supported by rollers (swivel casters 3) and carried by a base frame (2); a rear side (bars 5) extending upwardly relative to the base frame, side closures extending upwardly relative to the base frame; and locking members (downwardly projecting hook 12) connected to the cart which are configured to.

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cooperate with the tracks on the side walls of the transportation vehicle to selectively retain the carts in a desired position along the side walls. In regards to claim 16, the rollers (3) are caster wheels.

Armentrout discloses a loaded vehicle, as described above, having a cart supporting shipped products.

Armentrout lacks the shipped product being first loaded on mini-pallets and then loaded onto the carts.

Poth teaches a loaded vehicle (cargo van 10) comprising carts (14) having mini-pallets (as shown in Figure 7, such as "bins") supporting shipped products. The term pallet is defined as a portable platform used for storing or moving cargo or freight.¹ The bins of Poth can therefore constitute mini-pallets.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the loaded vehicle of Armentrout, to employ mini-pallets on the carts, as taught by Poth in order to simplify loading and unloading of the carts.

4. Claim 14 is rejected under 35 U.S.C. 103(a) as being unpatentable over Armentrout, as modified, and applied to claim 13 above and further in view of Bates et al.

Armentrout, as modified, discloses a loaded vehicle, as described above, having carts located along one of the sidewalls.

¹ *The American Heritage® Dictionary of the English Language, Third Edition* copyright © 1992 by Houghton Mifflin Company. Electronic version licensed from INSO Corporation; further reproduction and distribution restricted in accordance with the Copyright Law of the United States. All rights reserved.

Armentrout, as modified, lacks another row of carts along the opposite wall thus forming an aisle between the two rows.

Bates et al. teach a loaded vehicle having two rows with an aisle between them, as described on column 1, lines 12-26, column 5, lines 1-13, and claim 7, line 5.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the loaded vehicle of Armentrout, as modified, to employ opposed rows, as taught by Bates et al. in order to employ the total space of the deliver vehicle.

5. Claim 15 is rejected under 35 U.S.C. 103(a) as being unpatentable over Armentrout, as modified, and applied to claim 13 above and further in view of Clarke et al.

Armentrout, as modified, discloses a loaded vehicle, as described above, having caster heels.

Armentrout, as modified, lacks the caster wheels having a lock selectively positionable to preclude normal movement of the cart.

Clarke et al. teach a loaded vehicle (col 1, line 17) comprising a cart (display vehicle 10) having lockable (locking device means 40, 41) caster wheels (30, 31).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the loaded vehicle of Armentrout, as modified, to employ carts having lockable caster wheels, as taught by Clarke et al. in order to ensure that the carts do not roll around after being secured to the sidewall tracks.

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6. Claim 18 is rejected under 35 U.S.C. 103(a) as being unpatentable over Armentrout, as modified, and applied to claim 13 above and further in view of Mortenson.

Armentrout, as modified, discloses a loaded vehicle, as described above, having a rearwardly directed access opening.

Armentrout, as modified, lacks the vehicle having a common lift gate.

Mortenson teaches a loaded vehicle (truck T) having a common lift gate (10).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the loaded vehicle of Armentrout, as modified, to employ a lift gate, as taught by Mortenson in order to make unloading products easier.

7. Claims 19-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Armentrout, as twice modified, and applied to claim 14 above and further in view of Krawczyk et al. (US Patents 6,299, 184 & 6,520,515 and US Applications 09/910235, 10/673855, & 10/675196).

The applied reference has a common inventor with the instant application. Based upon the earlier effective U.S. filing date of the reference, it constitutes prior art only under 35 U.S.C. 102(e). This rejection under 35 U.S.C. 103(a) might be overcome by: (1) a showing under 37 CFR 1.132 that any invention disclosed but not claimed in the reference was derived from the inventor of this application and is thus not an invention "by another"; (2) a showing of a date of invention for the claimed subject matter of the application which corresponds to subject matter disclosed but not claimed in the reference, prior to the effective U.S. filing date of the reference under 37 CFR 1.131; or (3) an oath or declaration under 37 CFR 1.130 stating that the application and reference are currently owned by the same party and that the inventor named in

the application is the prior inventor under 35 U.S.C. 104, together with a terminal disclaimer in accordance with 37 CFR 1.321(c). This rejection might also be overcome by showing that the reference is disqualified under 35 U.S.C. 103(c) as prior art in a rejection under 35 U.S.C. 103(a). See MPEP § 706.02(I)(1) and § 706.02(I)(2).

Armentrout, as twice modified, disclose a loaded vehicle, as described above, having an aisle.

Armentrout, as twice modified, lacks the aisle terminating at a ramp or within the transportation vehicle, and a bulk pallet area is located intermediate the aisle and a front wall of the transportation vehicle.

Krawczyk et al. teach the ramp and bulk pallet area in copending applications and patents.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the loaded vehicle of Armentrout, as twice modified, to employ these aisle features, as taught by Krawczyk et al. in order to allow unloading the carts to be easier and to allow for a more flexible transportation vehicle.

Allowable Subject Matter

8. Claims 1-12 are allowed.

Conclusion

9. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Hilary Gutman whose telephone number is 571-272-6662.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Glenn Dayoan can be reached on 571-272-6659. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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11. Any response to this final action should be mailed to:

Box AF

Assistant Commissioner for Patents


Washington, D.C. 20231

or faxed to:

(703) 872-9327, (for formal communications; please mark "EXPEDITED
PROCEDURE")

or:

(703) 746-3515, (for informal or draft communications, please clearly label

 "PROPOSED" or "DRAFT").

Hilary Gutman
May 10, 2005